

**KELLEY DRYE & WARREN LLP**

A LIMITED LIABILITY PARTNERSHIP

**1200 19<sup>TH</sup> STREET, N.W.**

**SUITE 500**

**WASHINGTON, D.C. 20036**

(202) 955-9600

FACSIMILE

(202) 955-9792

www.kelleydrye.com

DIRECT LINE (202) 955-9608

EMAIL: saugustino@kelleydrye.com

NEW YORK, NY  
TYSONS CORNER, VA  
LOS ANGELES, CA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ  
BRUSSELS, BELGIUM  
HONG KONG

AFFILIATE OFFICES  
BANGKOK, THAILAND  
JAKARTA, INDONESIA  
MUMBAI, INDIA  
TOKYO, JAPAN

**RECEIVED**

October 11, 2002

**OCT 11 2002**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: CC Docket No. 00-257: Notification of AT&T Broadband of Transfer of  
Subscriber Base Pursuant to 47 C.F.R. Section 64.1120

Dear Secretary Dortch

Enclosed please find an original and 4 copies of AT&T Broadband's notification of transfer of subscribers to AT&T Consumer Long Distance Service pursuant to 47 C.F.R. Section 64.1120. Also enclosed is a duplicate copy of this filing. Please date-stamp the duplicate upon receipt and return it in the envelope provided. Should you have any questions with respect to this matter, please contact Steven A. Augustino at (202) 955-9608.

Sincerely,

  
Steven A. Augustino 

Enclosures



William K. Mosca, Jr., Esq.  
Vice President, Associate General Counsel, Telephony  
10 Independence Boulevard – Room #1N16  
Warren, NJ 07959  
Tel. #: 908-626-6326  
Fax #: 908-626-6352

October 10, 2002

**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **CC Docket No. 00-257: In the Matter of 2000 Biennial Review – Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers**; Notification of Transfer of Subscriber Base  
Pursuant to 47 C.F.R. §64.1120

Dear Secretary Dortch:

AT&T Broadband hereby encloses copies of notification letters mailed to certain customers of AT&T Consumer Long Distance Service ("AT&T Long Distance") who also are local exchange customers of local affiliates of AT&T Broadband. These customers are served over AT&T Broadband's cable systems in their area, receive their local exchange service from AT&T Broadband affiliates, and currently receive long distance services from AT&T Long Distance.

Earlier this year, as part of an internal AT&T reorganization, it was decided that AT&T Broadband local exchange customers who then were long distance customers of AT&T Long Distance should receive their long distance service in the future from AT&T Broadband unless they specifically elected to remain AT&T Long Distance customers. This would facilitate use of a single bill and one customer care service. Notices to this effect were sent to AT&T Long Distance customers in multiple groups or "waves" over the course of several months. This change reflected the economic reality of the situation as the AT&T Long Distance revenue from these customers already was being attributed to AT&T Broadband. Most of these customers have been transferred to AT&T Broadband by early September. One group of AT&T Long Distance customers, however, has not been transferred to AT&T Broadband and that group is the subject of this notice.

As the Commission is aware, in December 2001, AT&T Corp. reached an agreement whereby AT&T Broadband would become a subsidiary of AT&T Comcast Corporation, a company to be owned by the present shareholders of AT&T Corp. and Comcast

Corporation. The last group of AT&T Long Distance customers receiving notices of the *pro forma* transfer may not be transferred to AT&T Broadband until after the merger is consummated later this Fall. Accordingly, the initial notices sent to these customers on September 5, 2002 (See *Attachment B*) were followed up with an additional notice on October 1, 2002 (after receipt of shareholder and much of the regulatory approval) advising them of the merger and its lack of impact on their service.<sup>1</sup> (See *Attachment C*)

AT&T Broadband provides the following information pursuant to Section 64.1120(e):

**Parties to the Transaction:** The service providers involved are AT&T Long Distance and AT&T Broadband.

**Types of Telecommunications Services Provided to the Affected Subscribers:** The change affects intraLATA toll, interstate long distance and international services only. Affected customers are continuing to receive their local exchange service from AT&T Broadband.

**Date of Transfer of the Subscribers to Acquiring Carrier:** The internal migration of subscribers from AT&T Long Distance to AT&T Broadband relevant to this notice is expected to occur on or after November 15, 2002.

**Certification of Compliance:** Appended hereto as *Attachment A* is AT&T Broadband's certification required pursuant to Section 64.1120(e)(1) of the Commission's Rules.

**Copy of Notice Sent to Affected Subscribers:** At least two notices were mailed to affected AT&T Broadband local exchange customers informing them of this migration. *Attachment B* appended hereto includes a representative sample of the initial letter that was mailed on September 5, 2002 to AT&T Broadband local exchange customers using AT&T Long Distance service.<sup>2</sup> *Attachment C* appended hereto includes a copy of the October 1, 2002 follow-

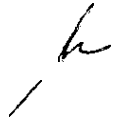
---

<sup>1</sup> Under the Commission's rules, no FCC notification was required in connection with the transfer of the first groups of customers from AT&T Long Distance to AT&T Broadband because the transfer was *pro forma*, i.e., there was no significant change in the service being provided and customers continued to see the "AT&T" brand on their bills. The subsequent merger would be transparent to these customers as AT&T Broadband would continue to be their carrier and their service would be unchanged, even to the extent of continuing to transport calls over the AT&T network. Nonetheless, out of an abundance of caution, it was decided that in addition to the initial notification sent to these customers earlier this year, they should be provided with the October 1, 2002 notice reiterating and explaining the changes taking place, including the proposed merger. For the Commission's convenience, a representative sample of the notice to these earlier "waves" is included in *Attachment D*. These subscribers also were mailed the letter included in *Attachment C*.

The letters sent to AT&T Long Distance customers were customized to reflect the service plan to which they had subscribed. The information relevant to Section 64.1120(e), however, was essentially the same for each letter. *Attachment B* is a representative sample of these letters.

up letter mailed to those AT&T Long Distance customers not projected to be transferred prior to the merger. As noted above, the October 1, 2002 letter also was sent to those AT&T Long Distance customers who already had their long distance service transferred to AT&T Broadband.

Sincerely,  
AT&T Broadband

William K. Mosca, Jr.   
Vice President, Associate General Counsel,  
Telephony

Attachments

# **ATTACHMENT A**



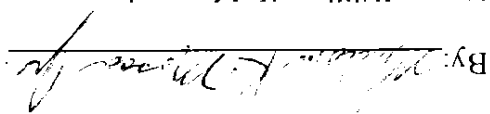
William K. Mosca, Jr., Esq.  
Vice President, Associate General Counsel, Telephony  
10 Independence Boulevard - Room #1N16  
Warren, NJ 07959  
Tel. #: 908-626-6326  
Fax #: 908-626-6352

## Certification of AT&T Broadband

On behalf of AT&T Broadband, a division of AT&T Corp., and in accordance with Section 64.1120 of the Commission's Rules, 47 C.F.R. § 64.1120, I hereby certify under penalty of perjury that:

1. I have read the foregoing document and the statements contained therein are true, complete and correct to the best of my knowledge.
2. AT&T Broadband has provided advance written notice to all affected subscribers. AT&T Broadband will comply with applicable FCC requirements and procedures governing the transfer of customers to AT&T Broadband.

AT&T BROADBAND

By:   
Name: William K. Mosca, Jr.

Title: V.P., Associate General Counsel

Date: October 10, 2002

---

# **ATTACHMENT B**



AT&T Broadband  
P.O. Box 5147  
San Ramon, CA 94583

Vernon L May  
3525 Ardley Ave Apt 1  
Oakland CA 94602-1658



September 5, 2002

Dear Vernon L May.

We are writing to let you know about important news in connection with your AT&T consumer long distance service.

In our ongoing effort to provide you with quality service, AT&T Broadband will be moving to a new billing system effective on or after November 15, 2002. To ensure that you continue to receive all your local and long distance calling charges on one bill with **one** customer care number, your long distance service will be provided through AT&T Broadband instead of through AT&T Consumer Long Distance Service.

How will this affect your **rates**?

The following domestic calling plan will provide you with an equivalent or better value on your local and long distance rates than your current plan:

**ATBT Broadband 12¢ Plan**

With this plan, you'll get:

- **12¢ per minute anytime for a//direct dialed interstate and intrastate calls from home**
- **No monthly recurring charge**

What are the **next steps**?

We will take care of all the details – you don't even have to call us! All you have to do is continue making long distance calls from home. The change(s) outlined in this letter will begin on or after November 15, 2002.

If instead you would like to keep your long distance service through AT&T Consumer Long Distance, please call us by October 11, 2002 at 800-275-6180. But this means that we cannot continue to provide you with one bill or one number for customer service. As always, you may choose any other preferred carrier by contacting them directly prior to October 11, 2002.

Thank You.

Thank you for choosing AT&T for your home telephone needs. All of us at AT&T Broadband look forward to offering you even more value and convenience in the future.

Sincerely,

AT&T Broadband



Long-distance **service** plans from ATLT Broadband **are** governed by **the** ATBT Broadband Service Agreements **and** Service Guides found at [www.attbroadband.com](http://www.attbroadband.com) and by the laws of the State of Colorado. ATBT Digital Phone service **does** not qualify for participation in **ATLT** rewards or loyalty programs.

You currently have **one** or more of the features associated with the ATLT phone network that will no longer be available on or after November 15, 2002. **These** features have no monthly cost associated with them **and** include, but **are** not limited to the following: ATLT tone and identification, **message** service (does not include voice mail), international redial, and call organizer services.

# **ATTACHMENT C**

Customer Name  
Customer Address  
Customer Address  
Customer Address

[Letter Date – October 1, 2002]

Dear [customer's first & last name]:

**Important news regarding your AT&T Broadband telephone service!**

Previously, AT&T Broadband notified you that in order to receive or continue receiving your local and long distance charges on one bill with one customer care number, your long distance service would be provided by AT&T Broadband rather than by AT&T Consumer Long Distance Service. We are now writing to inform you of another exciting development at AT&T Broadband.

As you may be aware, AT&T Broadband, including its cable, programming and telephone businesses, expects to merge later this year with Comcast Corporation. The shareholders of both AT&T Corp. and Comcast Corporation recently have approved the merger, and the companies have obtained most of the governmental approvals they need with the rest expected over the next several weeks. Upon completion of the merger, which is projected to occur in October, AT&T Broadband will become a subsidiary of AT&T Comcast Corporation, a company owned by the present shareholders of AT&T Corp. and Comcast Corporation.

**We are delighted at the prospect of combining these premier businesses and wanted to assure you that this merger will not disrupt your existing telephone service in any way.**

**Who will provide your telephone service after the merger?**

- ☐ AT&T Broadband will continue to be your telephone service provider.
- ☐ You will continue to receive all your local and/or long distance calling charges through AT&T Broadband just as you currently do with no additional charges or fees to be paid in connection with the merger.
- ☐ There will be no changes to your telephone number and your long distance service will continue to be provided using the AT&T long distance network.

**How will the merger affect your rates and services?**

- ☐ When AT&T Broadband became your service provider, we kept or improved upon the rates and services you had previously been receiving. Similarly, your local and long distance rates and available services will not change as a result of the merger.
- ☐ If there are any changes to rates or services in the future, you will be notified as required by law.
- ☐ AT&T Broadband will also continue to work with you to resolve any service problems or complaints you may have.

**What are the next steps?**

You don't have to do a thing! Of course, you are free now or at any time to select a new carrier for your long distance service, but we are confident that you will be completely satisfied with your AT&T Broadband service after the merger. If you already contacted us to select another provider, please disregard this notice.

**Thank You.**

Thank you for choosing AT&T Broadband for your home telephone needs. **All** of us at AT&T Broadband and AT&T Comcast Corporation look forward to offering you even more value and convenience in the future.

If you would like to obtain a copy of our Service Agreement, need additional information about the rates & services available from AT&T Broadband, please visit our website at [help.broadband.att.com](http://help.broadband.att.com) or call us at [insert care number].

Sincerely,

AT&T Broadband  
AT&T Comcast Corporation

---

Any PIC freeze you may have requested with respect to a change in your service provider will continue in effect after the merger.

# **ATTACHMENT D**



**AT&T Broadband**

---

8000 E. Hill Avenue  
Denver, CO 80231

Monica Gonzales  
9600 W 51st Pl Apt F212  
Arvada CO 80002-4150



April 30, 2002

Dear Monica Gonzales:

We are writing to let you know about important news in connection with your ATBT consumer long distance service.

In our ongoing effort to provide you with quality service, ATBT Broadband will be moving to a new billing system effective on or after July 15, 2002. To ensure that you continue to receive all your local and long distance calling charges on one bill with one customer care number, your long distance service will be provided through ATBT Broadband instead of through ATBT Consumer Long Distance Service.

How will this affect your rates?

Your local and long distance rates will not change. However, our records indicate that you currently have a promotional offer from ATBT Consumer Services (not ATBT Broadband). If you still have active promotions on your account at the time we make these changes in our billing system (on or after July 15, 2002), we will apply a bill credit of equivalent or greater savings than any active promotion on your account.

What are the next steps?

We will take care of all the details - you don't even have to call us! All you have to do is continue making long distance calls from home. The plan(s) outlined in this letter will begin on or after July 15, 2002.

If instead you would like to keep your long distance service through ATBT Consumer Long Distance, please call us by June 10, 2002 at 888-597-4684. But this means that we cannot continue to provide you with one bill or one number for customer service.

Thank **You**.

Thank you for choosing ATBT for your home telephone needs. All of us at ATBT Broadband look forward to offering you even more value and convenience in the future.

Sincerely,

ATBT Broadband

Long distance service plans from ATBT Broadband are governed by the ATBT Broadband Service Agreements and Service Guides found at [www.attbroadband.com](http://www.attbroadband.com) and by the laws of the state of Colorado. AT&T Digital Phone service does not qualify for participation in AT&T rewards or loyalty programs.